

Atty Dkt No. 4017-03001

*Patent***REMARKS**

This application has been carefully considered in connection with the Final Action issued by the Examiner on May 12, 2005. Reconsideration and allowance are respectfully requested in view of the following.

I. Summary of The Proposed Amendment

By this paper, the Applicants propose that Claim 1 be amended to incorporate the limitations of Claim 2 therein, that Claim 20 be amended to incorporate the limitations of Claims 2 and 25 therein, that Claims 26-28 be amended to depend upon pending Claim 20 and that Claims 2, 26 and 32-46 be canceled without prejudice or disclaimer. As the proposed amendment merely cancels rejected claims, amends certain of the independent claims to incorporate the limitations of selected dependent claims and/or amends certain claims so that they depend upon a pending claim, the Applicants respectfully request entry of the proposed amendment. It is acknowledged that the proposed amendment to Claim 20 presents a combination that was not previously presented to the Examiner. However, it should be noted that proposed Claim 20 bears substantial similarity to proposed Claim 1. Accordingly, as proposed Claim 1 presents a combination that was previously presented to the Examiner and as Claim 20 bears substantial similarity to Claim 1, it is submitted that the proposed amendment to Claim 20 would not raise new issues nor require a new search or detailed consideration by the Examiner. Accordingly, the Applicants respectfully request the entry of the proposed amendment and reconsideration of Claims 1, 3-24 and 26-31, as above amended.

As to canceled Claims 32-46, it should be clearly understood that the Applicants respectfully disagree with the grounds of rejection for these claims but believe that further pursuit of these claims would unnecessarily distract from Applicants' arguments presented herein with respect to

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Claims 1, 3-24 and 26-31. Accordingly, the Applicants have canceled Claims 32-46 without prejudice or disclaimer and specifically reserve the right to again present the subject matter of these claims in a Continuation of the present application. Similarly, it should also be clearly understood that the Applicants respectfully disagree with the grounds of rejection for Claims 20-31. Accordingly, while the Applicants have narrowed the scope of Claims 20-25 and 27-31, the Applicants further reserve the right to again present the subject matter of these claims in a Continuation of the present application.

II. The Remaining Rejections of the Claims

Upon entry of the foregoing amendment, it is noted that a number of the pending rejections will become moot. Accordingly, the Applicants have summarized those rejections which survive the proposed amendment to the claims. The remaining rejections are as follows:

1. Claims 1, 5, and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,385,772 to Courtney; and
2. Claims 1, 3-24 and 26-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 2002/0005894 to Foodman, et al.¹

III. Applicants' Further Arguments In Support Of Patentability

The Applicants appreciate the full consideration that the Examiner has given the arguments presented in the Amendment filed January 3, 2005. However, the Applicants respectfully submit that the Examiner has failed to fully appreciate a number of subtle differences between the claimed invention and the cited art. Accordingly, the Applicants again ask the Examiner to reconsider and

¹ As Claims 1-46 were previously rejected as anticipated by Foodman, et al. and as the subject matter of Claims 2 and 25 have been added to Claim 20, it may be presumed that the Examiner would take the position that amended Claim 20 would be anticipated by Foodman, et al. as well.

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withdraw the rejection of Claims 1, 2, 5 and 13 as anticipated by Courtney and the rejection of Claims 1-46 as anticipated by Foodman, et al. and to allow Claims 1, 3-24 and 26-31, as above amended.

A. Regarding the rejection of Claims 1, 2, 5 and 13 as anticipated by Courtney

In rejecting Claims 1, 2, 5 and 13, the Examiner noted that Fig. 1 of Courtney discloses a first network (38) and a second network (41). The Examiner further noted that a video image may be transmitted through the first network (38) and that detection of a heat source may be transmitted through the second network (41). Presuming that the foregoing is a proper characterization of the reference, it is submitted that Applicants' invention, as defined by Claims 1, 5 and 13, as above amended, is patentably distinguishable from the foregoing.

In this regard, the Examiner's attention is directed to lines 6-8, 10-11 and 12-14 of Claim 1. As recited therein, the security gateway is configured to: (1) notify the security system server of the alarm condition and to transfer the Alarm Video through the first network; (2) notify the security system server of the alarm condition through the second network and (3) notify the security system server of the alarm condition through the first network substantially simultaneously with notifying the security system server of the alarm condition through the second network. The cited passages clearly reveal that the information transported over the first network and that transferred over the second network are related to each other, specifically, that the information transported over the second network (notification of alarm condition) is a subset of the information transported over the first network (notification of alarm condition and alarm video). By specifically requiring that the information to be transported over the second network is a subset of the information to be transported over the first network, the two networks serve as redundant paths for the subset of alarm

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information. In other words, in the event of a failure of either the first network or the second network, the security system server will still receive the subset of alarm information. Further, by requiring that the information transported over one network is a subset of the information transported over the other network, the received information can be used to indicate as an indicator of one type of network failure. For example, if the security system server receives only the alarm notification and not the alarm video, the security system server may properly conclude that the connection with the security gateway over the first network has failed.

Courtney is distinguishable on both of these points. More specifically, nowhere does Courtney teach or suggest that the alarm information to be transported over a first network be a subset of the alarm information to be transported over the second network. For example, Courtney contemplates at col. 6, lines 38-40 that a notification of the detection of a heat source is transported over network 41. In the alternative, Courtney contemplates at col. 7, lines 13-15 that a notification of the detection of motion be transported over network 41. Finally, Courtney contemplates at col. 6, lines 46-54 that an operator at a remote location may "download the HTML page generated by the computer 24, in order to obtain a screen display like that shown in FIG. 3, so that the operator can view the image 71."

As to the distinctions between the claimed invention and Courtney, the Applicants first submit that neither one of the two types of information disclosed by Courtney, specifically, the detection of a heat source and the detection of motion, can be a subset of the other. In this regard, the Examiner's attention is directed to col. 7, lines 15-19 of Courtney which states that "[i]t should be evident that, while the infrared sensor 19 detects heat, the alternative approach described in association with FIG. 4 detects motion or a change in the video image, rather than the presence or

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absence of heat” (emphasis added). It should be further appreciated that Courtney neither teaches nor suggests the transmission of a specific type of data—the alarm condition—over the first network substantially simultaneously with the transmission of the very same data over the second network. At best, Courtney discloses the transmission of a notification of the detection of motion (a determination which the computer derives from collected information over the second network and the transmission of actual video (an entirely different type of information) over the first network at a later point in time.

As Courtney neither teaches nor suggests the invention as recited in Claims 1, 5 and 13, as above amended, the Applicants respectfully request the reconsideration and withdrawal of the rejection of these claims as anticipated by Courtney.

B. Regarding the rejection of Claims 1-46 as anticipated by Foodman, et al.

Claims 1-46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0005894 to Foodman, et al. In response, the Applicants respectfully traverse the Examiner’s rejection and instead submit that Claims 1, 3-24 and 26-31, as above amended, are neither taught nor suggested by Foodman, et al.

In rejecting Claims 1-46, the Examiner asserts that Foodman, et al. discloses the following:

- (a) a security system server (321 of fig. 3B-2) operatively coupled to the security gateway through a first network ([0015], page 2), wherein the security gateway is configured to notify the security system server of the alarm condition and to transfer the Alarm Video to the security system server in substantially real time through the first network ([0013] – [0015], page 2);
- (b) the security system server (321 of fig. 3B-2) is further operatively coupled to the security gateway through a second network (DSL, [0015], page 2), wherein the security gateway is configured to notify the security system server of the alarm condition through the second network ([0014], page 2); and

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- (c) the security gateway is further configured to notify the security system server of the alarm condition through the first network substantially simultaneously with notifying the security system server of the alarm condition through the second network ([0013]-[0014], page 2).

In response, the Applicants submit that nowhere does Foodman, et al. teach or suggest a security system equipped with first and second networks, each operatively coupling the security gateway with the security system server. The Applicants further submit that nowhere does Foodman, et al. teach or suggest a security system which includes first and second networks, each coupling a security gateway and a security system server, in which the information transported over one network is a subset of the information transported over the other network. Finally, the Applicants submit that nowhere does Foodman, et al. teach or suggest a security system in which the information is transported substantially simultaneously over the first and second networks.

In rejecting Claims 1-46, the Examiner cited paragraph 15 of Foodman, et al. as disclosing the first network and paragraphs 14-15 as disclosing the second network. In response, the Examiner's attention is respectfully directed to paragraph 15, lines 1-5 of Foodman, et al. which states that:

"[c]ommunications to the website is by one of the following internet compliant communication means: standard phone line, broad band bi-directional cable connection, digital subscriber line ("DSL"), wireless phone service or any other internet compliant communication format"
(emphasis added by Applicants);

as well as paragraph 30, lines 13-15 of Foodman, et al. which states that:

"[t]he communication standard used for data transmission from system 311 by communication link 320 will depend on the type of data link between system 311 and website 321"
(emphasis added by Applicants).

The Applicants respectfully submit that the passages reproduced hereinabove clearly

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establish that Foodman, et al. discloses a security system having a single connection between system 311 and website 321 and not the first and second networks asserted by the Examiner. In this regard, it is believed that the Examiner may have been confused by the Applicants' use of the terms "first network" and "second network" in prior independent Claim 1 to refer to first network and second networks coupling the security gateway and the security system server and the use of the terms "first network" and "second network" in prior independent Claim 20 to refer to a first network for coupling the security gateway and a cable headend and a second network for coupling the cable headend to a security system server.² Rather than first and second networks, both operatively coupling the security gateway and the security system server, Foodman et al. appears to disclose a first network for coupling system 311 (the asserted security gateway) to website 321 (the asserted security system server) and a second network for coupling the website 321 to the locations 31, 323, 325, 327, 329, 330, 331.

Furthermore, any confusion between the language used in prior independent Claim 1 and that used in prior independent Claim 20 has been resolved by the foregoing amendment which adds an additional limitation, specifically, a third network for operatively coupling the security gateway to the security system server, previously recited in Claim 25 to independent Claim 20. In this regard, it is noted that, even though the limitations of (a) a third network operatively coupling the security gateway and the security system server; and (b) the security gateway notifying the security system server of the alarm condition over the third network; appear nowhere in Claims 1-19, in rejecting Claim 25, the Examiner merely states "see analysis in claims 1-19."

² In support of Applicants' belief that the Examiner confused the "first and second networks" of Claim 1 with the "first and second networks" of Claim 20, the Applicants respectfully note that, despite Claim 20 clearly using the term "first and second networks" in a manner entirely different from Claim 1, the Examiner's statement in support of the rejection of Claim 20 states only "see analysis in claims 1-19."

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For the foregoing reasons, the Applicants respectfully submit that Claims 1-46 are neither taught nor suggested by Foodman, et al. Accordingly, the Applicants respectfully request the reconsideration and withdrawal of the rejection of Claims 1-46 under 35 U.S.C. § 102(e) as anticipated by Foodman, et al. and the allowance of Claims 1, 3-24 and 26-31, as above amended.

IV. Other Issues

It is well established that the burden is on the Examiner to establish a *prima facie* case of unpatentability and that, in the absence of a *prima facie* case of unpatentability, the claims presented by the Applicant are presumed to be patentable and must be allowed. The present application includes a number of claims—Claims 25-28—for which the Examiner has clearly failed to establish a *prima facie* case of unpatentability. More specifically, the foregoing claims all recite a security system which includes first, second and third networks. While the Examiner has cited a number of references as disclosing security systems which include first and second networks, nowhere has there been assertion that the prior art teaches or suggests a security system (which has now been incorporated into Claim 20) configured to include a third network. Accordingly, the Examiner's rejection of Claims 25-28 is defective for failing to establish a *prima facie* case of unpatentability and must be withdrawn, either in favor of a new rejection or an allowance of these claims.

V. Concluding Remarks

For the reasons set forth herein, the Applicants respectfully request the reconsideration and withdrawal of the various rejections of Claims 1-46 and the allowance of Claims 1, 3-24 and 26-31, as above amended.

It is believed that there are no fees due in connection with this Communication. In the event that there are fees due in connection with this Communication, the Commissioner is

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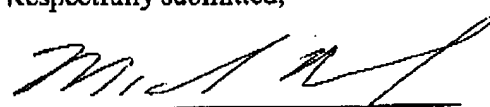
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authorized to charge any such fees to Deposit Account No. 50-1515.

While the foregoing amendment and associated remarks are believed to clearly establish the patentability of Claims 1, 3-24 and 26-31, if the Examiner believes that a telephonic interview with the attorney of record will expedite the issuance of a Notice of Allowability, the Examiner is invited to call the undersigned.

Respectfully submitted,

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